



THE CITY OF NEW YORK
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December 11, 2017

BY ECF

Honorable Cheryl L. Pollack
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Rodney Smith, et al. v. City of New York, et al.
15-CV-03859 (PKC) (CLP)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and one of the attorneys assigned to represent Defendants City of New York, Joseph Ponte, and William Clemons in the above-referenced matter. Defendants write, in advance of the upcoming settlement conference scheduled for December 15, 2017, to respectfully advise the Court which Plaintiffs will be part of their discussion.

As Your Honor may recall 22 Plaintiffs are alleging that they were subjected to excessive force by correction officers inside the Otis Bantum Correctional Center on February 16, 2015. Pursuant to the Court's instruction at the last conference, Defendants have divided the plaintiffs into various categories for settlement purposes. Defendants are prepared to discuss at the conference the following 12 plaintiffs: Sherwin Alvarez, Jeffrey Coriolan, Taheem Pratt, Joseph Anderson, Fernando Bell, Devon Brown, Isaiah Foster, Eric Johnson, Teddy Spann, Marquales Gray, Steven Mitchell, and Michael Rock. Defendants have taken a no-pay position with respect to nine of those plaintiffs, but have authority for the other three. Defendants are prepared to discuss their justifications for all 12 plaintiffs at this week's conference. As the parties and the Court have agreed to approach settlement in this case in stages, Defendants do not have authority to discuss the remaining ten Plaintiffs, four of whom have still not provided settlement demands despite numerous reminders from Defendants.

Defendants thank the Court for its attention to this matter.

Respectfully submitted,

s/

John L. Garcia
Assistant Corporation Counsel

cc: Robert Marinelli, Esq. (by ECF)
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